



NC Department of Health and Human Services
NC Nurse Aide I Curriculum

Module E
 Law and Ethics
 July 2019

Objectives

- Describe ethical conduct
- Describe a resident's rights in the nursing home
- Give examples of abuse, neglect, and misappropriation of property
- Explain the role of the Health Care Personnel Registry
- Explain the role of the nurse aide in securing informed consent prior to providing care to the resident

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 2

Laws

Rules made by the government to help protect the public

- Person liable if laws are not obeyed and person may be fined or jailed
- Two types of laws – criminal and civil



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 3

*** Legal – Key Terms (1)**

Tort – a wrong committed against a person or property

- Unintentional – did not mean to cause harm
- Intentional – did mean to cause harm

Malpractice – giving care for which you are not allowed legally to do – example?

Negligence – actions or failure to act or give proper care, resulting in injury – example?



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 4

*** Assault and Battery**

Assault – act of threatening to touch, or attempting to touch a person, without proper consent – example?

Battery – touching a person without consent – example?



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 5

*** Consent**

The right to decide what will be done to the body and who can touch the body

- Written consent
- Verbal consent
- Implied consent



Which of the three can a nurse aide obtain?

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 6

*** Invasion of privacy**

Violation of right to control personal information or the right be left alone



Examples?

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019

7

Legal – Key Terms (2)

False imprisonment – unlawful restraining or restriction a person’s movements

Defamation – false statements made to a third person that causes a person shame or ridicule or ruins a person’s reputation

Written is libel - Example?
Verbal is slander - Example?



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019

8

Legal – Key Terms (3)

Diversion of drugs – unauthorized taking or use of any drug

Fraud – an intentional deception or misrepresentation resulting in some unauthorized benefit



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019

9

Importance of Laws

Lets people know what they can or cannot do



Are written to protect the public from harm

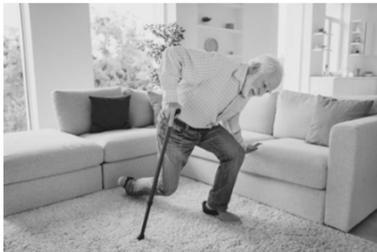
NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 10

Legal – Nurse Aide’s Role

- Understand range of function
- Keep skills and knowledge current
- Keep resident’s safety and well-being in mind
- Understand directions for use
- Follow facility’s policies and procedure
- Do no harm to resident or belongings
- Report questionable practices
- Know legal terms

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 11

Who are our Vulnerable Adults?



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 12

We Must Protect Our Vulnerable Adults

From...

- Neglect
- Misappropriation of Property
- Abuse
- Exploitation



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 13

Preventing Mistreatment of Vulnerable Adults

- Care of personal property
- Review key terms and understand what must be reported to nurse
- Recognize signs/symptoms of neglect, misappropriation of funds, abuse, and exploitation
- If nurse aide observes another health care provider abusing a resident, **STOP THE ABUSE**, and immediately report abuse to nurse
- Report questionable practices

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 14

Neglect



- Signs and symptoms
- Examples

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 15

Misappropriation of Property



- Signs and symptoms
- Examples

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 16

Physical Abuse



- Signs and symptoms
- Examples

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 17

Emotional or Psychological Abuse



- Signs and symptoms
- Examples

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 18

Exploitation



- Signs and symptoms
- Examples

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 19

**Health Care Personnel
Registry (HCPR)**

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 20

Mistreatment of the Vulnerable Adult

Points to remember:

- Abuse is cause for immediate dismissal and posted on Nurse Aide I Registry if substantiated
- Not reporting abuse is aiding and abetting



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 21

Ethics and Code of Ethics Key Terms

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 22

Basic Human Rights



- Are protected by the Constitution of the United States
- Right to be treated with respect, live in dignity, pursue a meaningful life and be free of fear
- Examples of infringement of these rights?

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 23

Resident's Rights



- Residents have legally protected Resident's Rights
- OBRA identifies how a resident must be treated
- Provides a code of ethics
- Posted and provided in long-term care facilities

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 24

Ethics (1)

Importance of Ethics

- Knowledge of right and wrong guides sense of duty and conduct
- Guides provision of quality care
- Governs actions of health care providers
- Vital to safety and well-being of residents

NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 25

Ethics (2)

Nurse Aide's Role

- Use good judgment
- Keep information confidential
- Document accurately
- Follow plan of care
- Be honest and trustworthy
- Report abuse or suspected abuse
- Understand and respect Resident's Rights



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 26

Ethics (3)

Nurse Aide's Role

- Report observations and incidents
- Show empathy
- Respect residents equally
- Provide quality resident care
- Protect privacy
- Treat all professionally
- Avoid stereotyping
- Safeguard property
- Respect values and beliefs



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 27

Ethics (4)

Points to remember

- What is ethical behavior?
- When do nurse aides use ethical behavior?
- Ethical behavior can vary
- We are all individuals who think differently



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 28

Ethics – End of life care

End of life decision making usually follows resident's individual ethical principles

- Nurse aides must respect fact that resident has the right to make own end of life decisions which may differ from the ethics of a nurse aide
- Resident has...
 - Right to refuse treatment
 - Right to request everything possible



NCDHHS/DHSR/HCPEC | Module E Law and Ethics | July 2019 29
